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25 AUG 2006

Konomi Takeshita
Omori & Yaguchi USA, LLC
Eight Penn Center, Suite 1901
1628 John F. Kennedy Boulevard
Philadelphia, PA 19103

In re Application of MIYAHARA
U.S. Application No.: 10/516,849
PCT Application No.: PCT/JP03/08520
Attorney Docket No.: Y04S022
For: SUBSTRATE FOR THIN FILM FORMATION

Dear Ms. Takeshita:

Your letter dated 26 July 2006 has been referred to me for consideration.

The letter requests reimbursement of \$1,640.00 for legal fees allegedly resulting from the United States Patent and Trademarks Office's (USPTO) error in mismatching various papers and identifying data for two nonprovisional applications which have similar U.S. application numbers.

The USPTO is not aware of any provision which would entitle applicant to reimbursement by the USPTO for legal expenses incurred in the situation presented here.

Even if the request for reimbursement was to be considered, *arguendo*, as a request for refund, applicant would not be entitled to payment. The USPTO may grant refunds for fees paid by mistake or in excess of that required. 37 CFR 1.26. In the instant situation, the money for which reimbursement is sought was not even paid to the USPTO, nor was it paid by actual mistake or in excess of that required.

For the reasons above, reimbursement of the specified legal fees is not indicated in the present case.

Leonard Smith
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